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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,196	03/02/2004	Akiko Niimi	118891	1018
25944	7590	05/18/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER NGUYEN, LAM S	
			ART UNIT 2853	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/790,196	Applicant(s) NIIMI, AKIKO	
	Examiner LAM S. NGUYEN	Art Unit 2853	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/30/2007 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3, 7-9, 10-11, 14-16, 17-19, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhome (US 6095628) in view of Tanaka et al. (JP 411066703A).

Regarding to claims 1, 10, 17:

Rhome discloses a printing device comprising:

a medium conveyance section (*FIG. 5, element 16*) movable along a linear direction (*FIG. 5: The direction E*), on which a workpiece (*FIG. 1-3, element T*) can be set for printing;

a fixed side structure (*FIG. 6, element 10: The top section of the device*) that supports the medium conveyance section and has a space formed therein for accommodating the medium conveyance section (*FIGs. 1-3*), the fixed structure including a first side, a second side,

and a length between the first side and the second side, the length only including a slide mechanism (*FIG. 6: The first side and second side are the front side and the rear side of the top section, respectively, wherein the length is the distance between the front and rear sides and in which the medium conveyance section 16 slides on a mechanism including a portion of rail 42*); and

a head (*FIG. 6, element 24*), provided on the fixed side structure, for forming images on the workpiece (*FIGs. 1-3*);

wherein the medium conveyance section moves along the slide mechanism of the fixed side structure (*FIG. 6: The medium conveyance section slides on a mechanism including a portion of rail 42*);

wherein the medium conveyance section is at a second position so as to project partially from the slide mechanism (*FIG. 6: The slide mechanism includes a portion of rail 42 associated with the top section of the device*) from the first side of the fixed side structure, when workpiece is set on, or removed from, the medium conveyance section (*FIGs. 1-3*); and

wherein during a printing operation onto the workpiece, the medium conveyance section is controlled so as to move along the slide mechanism from the second position where it projects partially from the slide mechanism from the first side of the fixed side structure to a third position where it projects partially from the slide mechanism from the second side, and then returns again to the position where it projects partially from the slide mechanism from the first side (*FIG. 6 shows the third position where the conveyance 16 projects partially to the rear side of the top section and also to the portion of rail 42 associated to the top section*).

Rhome, however, is silent wherein the medium conveyance section is at a first position so as to be within the length of the fixed side structure when a power supply to the device is in an off state.

Tanaka et al. discloses a device comprising a medium conveyance section (*Abstract and FIG. 5: The disc tray 41*) movable in a linear direction (*FIG. 5, element 41*), on which a workpiece (*FIG. 5, element 10*) can be set in position and a structure (*FIG. 5, element 4*) which supports said medium conveyance section and has a space formed therein for accommodating said medium conveyance section (*FIG. 4-5*), wherein the medium conveyance section (disk tray) is located within the structure when power supply to the device is in an off state (*Abstract: The device controller (CPU) checks whether the disk tray is in an open or close state. If the disk tray is in an open state, the CPU performs the power-off after performing a tray closing processing. In other words, the disk tray (conveyance section) is located within the structure when the power supply is in an off state*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify Rhome's printing apparatus to position the medium conveyance inside the structure when the power supply is in an off state as disclosed by Tanaka et al. The motivation for doing so would have been to avoid any damage or being scratched to the disc (medium) or the tray (platen) during a non-use state of the apparatus as taught by Tanaka et al. (*Abstract*).

- **Rhome also teaches the following claimed invention:**

Regarding to claims 3, 11: wherein the fixed side structure has a cutaway section for causing the medium conveyance section to be exposed, in an edge on the first side to which the

medium conveyance section projects when the workpiece is set in position on, or removed from, the medium conveyance section (*FIGs. 1-3: The cut away section is the middle space of the housing 12 where the conveyance 16 is exposed*).

Regarding to claims 7, 14: wherein the length between the first side and the second side of the fixed sided structure is longest (*FIG. 6: The length is the width of the top section from the front edge to the rear edge, which is longer than the width of the top surface. In other words, the width from the front edge to the rear edge is longest width of the top section*).

Regarding to claims 8, 15, 18: wherein the medium conveyance section is a platen (*FIG. 6, element 16*).

Regarding to claims 9, 16, 19: wherein the workpiece is a fabric (*FIG. 1-3, element T*).

Regarding to claims 20-22: wherein the medium conveyance section is controlled so as to move from the second position towards the second side until the center of gravity thereof passes the center of gravity of the fixed side structure, and then return again to the second position (*FIG. 6: The platen 16 moves from the front side to the rear side and is at a position where its center of gravity has passed the center of gravity of the top section*).

2. Claims 4-5, 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhome (US 6095628) in view of Tanaka et al. (JP 411066703A), as applied to claim 1, and further in view of Drynkin et al. (US 6580444).

Rhome, as modified, discloses the claimed invention as discussed above except a cover for covering said medium conveyance section when it is in a partially projecting state from said fixed side structure, said cover being provided detachably with respect to the fixed side structure.

Drynkin et al. discloses a printing apparatus comprising a printhead unit (*FIG. 2, element 26*), accommodated in a fixed side structure (*FIG. 2, element 16*), for forming images on a printing medium (*FIG. 2, element 20*) conveyed by a linear reciprocating movable conveyance section (*FIG. 1-2, element 22*), and a cover (*FIG. 1, element 24*) for covering the conveyance section when it is in a partially projecting state from said fixed side structure (*FIG. 1: The conveyance section 22 is in a position partially projecting to a structure covered by element 24*), said cover being provided detachably with respect to the fixed side structure (*column 5, lines 24-26: The cover 24 is easily removable from the housing 16*).

Therefore, it would have been obvious for one having ordinary skill in the art at the time invention was made to modify Rhome's printing apparatus (as modified) to include a cover for covering the printhead unit and the conveyance section as disclosed by Drynkin et al. The motivation for doing so would have been well known in the art for providing protection to the printhead unit and the conveyance section.

Response to Arguments

Applicant's arguments filed 04/30/2007 have been fully considered but they are not persuasive.

The applicant argued that Rhome did not disclose a fixed side structure that has a first side and a second side with a slide mechanism only being in between. It is the examiner's point of view that as shown in Rhome's FIG. 6, the leftmost housing section including a slide mechanism comprising a portion of rail 42 between the front first side and the rear second side. As a result, this leftmost housing section reads on the claimed fixed side structure. In addition, because the claim language just simply cites "a slide mechanism", the portion of rail 42 (not the

whole rail 42) associated with the leftmost housing section reads on such cited slide mechanism due to broadly and reasonably interpretation of claim limitation. With the above interpretation of “the slide mechanism”, Rhome’s platen (16) partially projects the slide mechanism at the second and third positions as discussed in the above rejection.

Moreover, the applicant asserted that one of ordinary skill in the art would not have been motivated to combine Tanaka and Rhome. It is the examiner’s point of view that even though Tanaka relates to a disk device and Rhome relates to a printing apparatus, both relate to a mechanism for conveying a medium loaded on a tray/platen into a housing for processing purpose and out of the housing for removing purpose. Therefore, it is reasonable to believe that one of ordinary skill in the art would look to the operation of Tanaka’s medium conveyance to modify the operation of Rhome’s medium conveyance.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Lam Son Nguyen', written in a cursive style.

LAM SON NGUYEN